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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Anton, et al.

Serial No. 09/765,703

Filed January 22, 2001

For: COSMETIC COMPOSITIONS

Examiner: Wang

Art Unit: 1617

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DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
OR IN A NAFTA OR WTO MEMBER COUNTRY TO OVERCOME
CITED PATENT OR PUBLICATION (37 CFR §1.131)

1. This declaration is to establish completion of the invention in this application in the United states, at a date prior to June 26, 1997, which is the U.S. filing date of U.S. Patent No. 6,132,705 to Schehlmann (hereinafter "Schehlmann"), cited by the Examiner as a prior art reference in the above referenced application.

2. The person making this declaration is one of the joint inventors, Ann Ureneck (née Krog).

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

- a photocopy of a lab notebook page dated December 20, 1995 bearing my signature (my former name was Ann Krog. I am now known as Ann Ureneck). Formula 2 set forth on this notebook page is a lipstick composition that I made with a polymer referred to as "Dupont polymer E83695-56" which was a polymer composition containing 48 parts of isobornyl methacrylate and 52 parts of dodecane). The attached document shows that the claimed composition was made by at least December 5, 1995 which is prior to the June 26, 1997 filing date of Schehlmann.

TIME OF PRESENTATION OF DECLARATION

This declaration is submitted prior to final rejection.

DECLARATION

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

A. Inventor

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Date: January 16, 2002